

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

ESTELLA A. BOYD)	
Claimant)	
VS.)	
)	Docket No. 163,905
PRESBYTERIAN MANORS OF MID-AMERICA, INC.)	
Respondent)	
AND)	
)	
INSURANCE MANAGEMENT ASSOCIATION)	
Insurance Carrier)	
AND)	
)	
KANSAS WORKERS COMPENSATION FUND)	

ORDER

Claimant appeals from a preliminary hearing Order of Administrative Law Judge Bryce D. Benedict dated November 14, 1996, wherein the Administrative Law Judge denied claimant additional psychiatric treatment and temporary total disability benefits finding claimant's need for psychiatric treatment was not due to a work-related injury.

ISSUES

Whether the Administrative Law Judge exceeded his jurisdiction in denying claimant ongoing psychiatric treatment and temporary total disability compensation for claimant's psychiatric disorder.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

K.S.A. 44-534a, as amended, and K.S.A. 44-551, as amended, limit the parties right to an appeal from preliminary hearing Orders. The Appeals Board has found both in the past and currently that a claimant's entitlement to psychiatric care is not an issue addressing whether claimant's accidental injury arose out of and in the course of claimant's employment. That issue was admitted by the respondent. Claimant's entitlement to psychiatric treatment is instead a question of the nature and extent of claimant's disability. See Kisner v. U.S.D. 260, Docket Nos. 195,477 and 202,669 (February 27, 1996). As such, the Administrative Law Judge has the jurisdiction to decide the nature and extent of claimant's injury and/or disability as well as claimant's entitlement to medical treatment and temporary total disability compensation.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Bryce D. Benedict dated November 14, 1996, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of December 1996.

BOARD MEMBER

c: Frank D. Taff, Topeka, KS
Ross A. Hollander, Wichita, KS
Michael J. Unrein, Topeka, KS
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director